

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

CONDATIS LLC)
)
Plaintiff)
)
v.)
)
)
)
)
	COMPLAINT
AUDI OF AMERICA, INC.;)
)
AUDI AG;)
)
Defendants.)
)
)

Plaintiff Condatis LLC (“Condatis”) files this Original Complaint against Defendants Audi AG and Audi of America, Inc., (“Audi US”) and (collectively “Defendants”) and for its complaint hereby states and alleges as follows:

THE PARTIES

1. Plaintiff Condatis LLC is a limited liability company organized and existing under the laws of the State of Maryland with its principal place of business at 101 E. Park Blvd., Suite 600, Plano, Texas 75074.

2. On information and belief, Defendant Audi US is a New Jersey corporation having its principal place of business at 2200 Ferdinand Porsche Dr., Herndon, VA 20171. Audi US may be served with process through its registered agent, CT Corp System, located at 350 N. St. Paul Street, Ste. 2900, Dallas, Texas, 75201.

3. On information and belief, Defendant Audi AG is a German corporation having its principal place of business at Ettinger Strasse, Ingolstadt Germany D-85045.

JURISDICTION AND VENUE

4. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, and 1338(a).

5. On information and belief, Defendants are subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to their transacting business in this State, directly or through intermediaries, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in this State and in this Judicial District.

6. Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b). On information and belief, each Defendant has transacted business in this district and has committed and/or induced and/or contributed to acts of patent infringement in this district.

THE PATENT-IN-SUIT

7. United States Patent No. 5,450,321 (the “‘321 patent”), entitled “Interactive Dynamic Real-Time Management System For Powered Vehicles,” was duly and lawfully issued on September 12, 1995, based upon an application filed by the inventor, Harold E. Crane. A copy of the ‘321 patent is attached hereto as Exhibit A.

8. Condatis is the owner by assignment of the ‘321 patent and has the right to sue, and recover damages, for infringement thereof.

COUNT I

(PATENT INFRINGEMENT OF THE '321 PATENT)

9. Condatis repeats and incorporates the allegations contained in paragraphs 1 through 11 above as is set forth fully herein.

10. On information and belief, Defendant Audi AG has been and now is directly infringing, and/or inducing infringement by others, and/or contributing to the infringement by others of the '321 patent in the State of Texas, in this judicial district, and elsewhere in the United States. Audi AG's infringements include, without limitation, making, using, offering for sale, and/or selling within the United States, and/or importing into the United States, at least the Audi A6 and S6 product that includes indirect tire pressure monitoring systems, and any other product made, used, offered for sale, and/or sold by Audi AG that includes indirect tire pressure monitoring systems or similar features that infringe one or more claims of the '321 patent. Audi AG is thus liable for infringement of the '321 patent pursuant to 35 U.S.C. § 271.

11. On information and belief, Defendant Audi US has been and now is directly infringing, and/or inducing infringement by others, and/or contributing to the infringement by others of the '321 patent in the State of Texas, in this judicial district, and elsewhere in the United States. Audi US's infringements include, without limitation, making, using, offering for sale, and/or selling within the United States, and/or importing into the United States, at least the Audi A6 and S6 product that includes indirect tire pressure monitoring systems, and any other product made, used, offered for sale, and/or sold by Audi US that includes indirect tire pressure monitoring systems or similar features that infringe one or more claims of the '321 patent. Audi US is thus liable for infringement of the '321 patent pursuant to 35 U.S.C. § 271.

12. Defendants have committed the foregoing infringing activities without license from Condatis.

13. As a result of Defendants' infringement of the '321 patent, Condatis has suffered monetary damages that are adequate to compensate it for the infringement under 35 U.S.C. § 284, but in no event less than a reasonable royalty.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendants, and that the Court grant Plaintiff the following relief:

A. An adjudication that one or more claims of the Patent has been infringed, either literally and/or under the doctrine of equivalents, by one or more Defendants and/or by others to whose infringement Defendants have contributed and/or by others whose infringement has been induced by Defendants.

B. For an award, to be determined at trial, of damages adequate to compensate Condatis for Defendants' infringement and Condatis's costs, but in no event less than a reasonable royalty – plus pre-judgment and post-judgment interest – pursuant to 35 U.S.C. § 284.

C. A permanent injunction enjoining Defendants and their officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringement, inducing the infringement of, or contributing to the infringement of the '321 Patent;

D. For such other and further relief as this Court may deem just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff Condatis hereby demands a jury trial on all triable issues raised in this action.

Date: June 1, 2010

Respectfully submitted,

/s/ Andrew W. Spangler
Andrew W. Spangler
Texas State Bar No. 24041960
Spangler Law, PC
208 N Green St., Suite 300
Longview, TX 75601-7312
Telephone: (903) 753-9300
Facsimile: (903) 553-0403
spangler@spanglerlawpc.com

Kyle J. Nelson
State Bar No. 24056031
Gregory P. Love
State Bar No. 24013060
Scott E. Stevens
State Bar No. 00792024
STEVENS LOVE
P.O. Box 3427
Longview, Texas 75606
Telephone: (903) 753-6760
Facsimile: (903) 753-6761
kyle@stevenslove.com
greg@stevenslove.com
scott@stevenslove.com

Attorneys for Plaintiff
CONDATIS LLC